

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

VERMONT ALLIANCE FOR ETHICAL HEALTHCARE,
INC.; CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS,
INC.,

Plaintiffs,

v.

WILLIAM K. HOSER, in his official capacity as Chair of the Vermont Board of Medical Practice; MICHAEL A. DREW, M.D., ALLEN EVANS, FAISAL GILL, ROBERT G. HAYWARD, M.D., PATRICIA HUNTER, DAVID A. JENKINS, RICHARD CLATTENBURG, M.D., LEO LECOURS, SARAH McCLAIN, CHRISTINE PAYNE, M.D., JOSHUA A. PLAVIN, M.D., HARVEY S. REICH, M.D., GARY BRENT BURGEE, M.D., MARGA S. SPROUL, M.D., RICHARD BERNSTEIN, M.D., DAVID LIEBOW, D.P.M., in their official capacities as Members of the Vermont, Board of Medical Practice; JAMES C. CONDOS, in his official capacity as Secretary of State of Vermont; and COLIN R. BENJAMIN, in his official capacity as Director of the Office of Professional Regulation,

Defendants.

Civil Action No. 5:16-cv-205

DEFENDANTS' MOTION TO DISMISS

Defendants move to dismiss for lack of subject-matter jurisdiction and failure to state a claim. *See* Fed. R. Civ. P. 12(b)(1), (6). The grounds for the motion are set forth in the attached memorandum of law.

Dated: September 25, 2016

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: /s/ Bridget C. Asay
Bridget C. Asay

Solicitor General
Benjamin Battles
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-5500
bridget.asay@vermont.gov
benjamin.battles@vermont.gov

Counsel for Defendants Hoser, Drew,
Evans, Gill, Hayward, Hunter, Jenkins,
Clattenburg, Lecours, McClain, Payne,
Plavin, Reich, Burgee, Sproul,
Bernstein, Liebow, Condos, and Benjamin

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2016, I electronically filed with the Clerk of Court the Defendants' Motion to Dismiss and attached Memorandum of Law, on behalf of the Defendants using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) filing to Steven H. Aden, Esq., Kevin H. Theriot, Esq., and Michael J. Tierney, Esq.

WILLIAM H. SORRELL
ATTORNEY GENERAL

By: /s/ Bridget C. Asay
Solicitor General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-5500
bridget.asay@vermont.gov